



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,186	04/25/2001	Michael G. Foulger	2018.0040001	3649

26111 7590 09/21/2004

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,186

Applicant(s)

FOULGER ET AL.

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/23/02</u> * | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2157

1. This is responsive to the application filed on April 25, 2001. Claims 1-19 are pending. Claims 1-19 represent a system and method for wireless trusted point of access to a computer network.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-2, 5-6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funk et al., U.S. Patent No. 5,937,162.

Funk teaches the invention substantially as claimed including a method and apparatus for high volume e-mail delivery (see abstract).

As to claim 1, Funk teaches a method for conducting an email campaign, comprising the steps of:

(1) receiving an email target database (see figs. 1-2; col. 5, lines 60-67; col. 6, line 28; Funk discloses receiving a customer database 200);

(2) generating an email campaign form related to at least one email target in the received email target database (see fig. 3; col. 6, line 20-67, Funk discloses filling a standard e-mail form 300 having predefined fields for data entry);

(3) sending to each of the at least one email target a corresponding custom email, wherein the custom email is formed from the email campaign

Art Unit: 2157

form (see col. 7, lines 1-60; col. 8, lines 1-50, Funk discloses sending the e-mail form 300 to each target on the database list); and

(4) tracking the custom email sent to each of the at least one email target (see col. 9, lines 40-50; col. 11, lines 1-5, Funk discloses a tracking module for tracking emails).

Funk does not explicitly teach the limitation of a "template". Funk does teach that the email form 300 having different predefined fields for data entry is used to create each individual customized targeted email (see fig. 3; col. 7-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Funk by specifying the email form as an email template since the same functionality of including predefined fields for automatic data entry is achieved.

As to claim 2, Funk teaches the method of claim 1, wherein step (1) comprises the step of:

(a) generating the email target database (see col. 6-8).

As to claim 5, Funk teaches the method of claim 1, wherein step (1) comprises the step of:

(a) receiving an email target database from a data base vendor (see col. 6-8).

As to claim 6, Funk teaches the method of claim 1, wherein step (2) comprises the steps of:

(a) generating a message form; and (b) generating a configuration file to contain data related to each of the at least one email target, wherein the data is insertable in the generated message form (see col. 9, lines 30-35, Funk discloses a configuration file for each customer used in filling the email form).

As to claim 10, Funk teaches the method of claim 6, wherein step (3) comprises the step of:

(a) forming the custom email for each of the at least one email target from the generated text message form and the generated configuration file (see col. 6-8).

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funk et al., U.S. Patent No. 5,937,162 further in view of Melchione et al., U.S. Patent No. 5,966,695 (referred to hereafter as Mel).

Funk teaches the invention substantially as claimed including a method and apparatus for high volume e-mail delivery (see abstract).

As to claim 3, Funk teaches method of claim 2.

Funk fails to teach the claimed limitation of generating the email database by (i) collecting at least one raw document; (ii) parsing said collected at least one document; (iii) categorizing said parsed at least one document into at least one category; (iv) inserting said at least one document into a database; and removing documents from the database corresponding to duplicate email addresses.

However, Mel teaches a sales and marketing support system using a graphical query prospect database (see abstract). Mel discloses generating a database by (i) collecting at least one raw document; (ii) parsing said collected at least one document; (iii) categorizing said parsed at least one document into at least one category; (iv) inserting said at least one document into a database; and removing documents from the database corresponding to duplicate email addresses (see col. 10-16; col. 29-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Funk by implementing the database generation method of Mel to improve customer targeting in volume email delivery.

As to claim 4, Funk teaches the method of claim 1.

Funk fails to teach the limitation wherein the step of receiving a target database comprises the step of:

(a) requesting an email target database according to a structured query language statement.

Art Unit: 2157

However, Mel teaches a sales and marketing support system using a graphical query prospect database (see abstract). Mel discloses requesting an email target database according to a structured query language statement (see col. 5-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Funk by implementing the database generation method of Mel to improve customer targeting in volume email delivery.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funk et al., U.S. Patent No. 5,937,162 further in view of Linden et al., U.S. Patent No. 6,360,254.

Funk teaches the invention substantially as claimed including a method and apparatus for high volume e-mail delivery (see abstract).

As to claim 7, Funk teaches the method of claim 6.

Funk fails to teach the limitation of generating a custom uniform resource locator address for each of the at least one email target; and (ii) inserting the generated custom uniform resource locator address for each of the at least one email target into the configuration file.

However, Linden teaches a system and method for providing secure URL-based access to private resources (see abstract). Linden teaches generating a custom uniform resource locator address for each of the at least one email target; and (ii) inserting the generated custom uniform resource locator address for each of the at least one email target into the configuration file (see fig. 1; col. 5-10, Linden discloses inserting unique URL in the private data record of each customer).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Funk in view of Linden so that a unique URL is inserted into each configuration file of the customer to provide for unique identification of customer e-mail responses

As to claims 8-9, Funk teaches the method of claim 7.

Funk fails to teach the limitation wherein step (i) comprises the steps of:

(A) generating a hash from a campaign ID, a message form version ID, a user reference ID, and a private key, for each of the at least one email target; and (B) appending a first portion of the generated hash for each of the at least one email target to a host web address to form the custom uniform resource locator address for each of the at least one email target wherein the host web address is equal to hostname/module?token where hostname is replaced with an email campaign host internet address, module is replaced with an identifier for software located at the email campaign host directed to processing the custom uniform resource locator address for each email target after it is selected, and token is replaced with any alphanumeric identifier for unique information related to the customized uniform resource locator address for each of the at least one email target.

However, Linden teaches a system and method for providing secure URL-based access to private resources (see abstract). Linden teaches generating a hash from a campaign ID, a message form version ID, a user reference ID, and a private key, for each of the at least one email target; and (B) appending a first portion of the generated hash for each of the at least one email target to a host web address to form the custom uniform resource locator address for each of the at least one email target (see fig. 1; col. 5-10, Linden discloses inserting unique URL in the private data record of each customer).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Funk in view of Linden so that a unique URL is inserted into each configuration file of the customer to provide for unique identification of customer e-mail responses.

6. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funk et al., U.S. Patent No. 5,937,162 further in view of Henrick et al., U.S. Patent No. 6,377,936.

Funk teaches the invention substantially as claimed including a method and apparatus for high volume e-mail delivery (see abstract).

As to claim 11, Funk teaches the method of claim 1.

Funk fails to teach the claimed limitation wherein step (4) comprises the steps of:
(a) receiving at least one response from the at least one email target; and (b) creating a campaign tracking list from said received at least one response.

However, Henrick teaches a method for performing targeted marketing over a large computer network through e-mail (see abstract). Henrick teaches (a) receiving at least one response from the at least one email target; and (b) creating a campaign tracking list from said received at least one response (see col. 3, lines 45-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Funk in view of Henrick so that the responses to e-mails are listed in a response list. One would be motivated to do so to implement better tracking functionality with volume e-mail.

As to claim 12, Funk teaches the method of claim 11, wherein step (b) comprises the steps of:

(ii) determining a number of the custom email sent to the at least one email target that were undeliverable (see col. 5-9).

Funk fails to teach the claimed limitation of determining a number of successful visits from the at least one email target and (iii) determining a number of the at least one email target that requested deletion.

However, Henrick teaches a method for performing targeted marketing over a large computer network through e-mail (see abstract). Henrick teaches determining a number of successful visits from the at least one email target and (iii) determining a number of the at least one email target that requested deletion (see col. 3-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Funk in view of Henrick so that successful visits and customers who want to be off the email list is tracked. One would be motivated to do so to allow for tailoring target e-mails for predetermined e-mail recipients.

Claims 13-16 do not teach or define any new limitations above claims 11-112 and therefore are rejected for similar reasons.

Art Unit: 2157

7. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funk et al., U.S. Patent No. 5,937,162 further in view of Henrick et al., U.S. Patent No. 6,377,936 further in view of Linden et al., U.S. Patent No. 6,360,254.

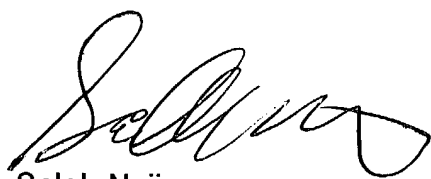
Funk teaches the invention substantially as claimed including a method and apparatus for high volume e-mail delivery (see abstract).

Claims 17-19 are rejected for similar reasons as for claims 7-9 above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, flowing script.

Saleh Najjar

Primary Examiner / Art Unit 2157